

Nevada Division of Environmental Protection

AUTHORIZATION TO DISCHARGE

In compliance with Chapter 445A of the Nevada Revised Statutes,

Koch Performance Asphalt Co.
3901 W Ponderosa Way
Las Vegas NV 89118

is authorized to discharge from a facility located at:

3091 W Ponderosa Way
Clark County (unincorporated area)
Latitude: 36° 04' 58" N
Longitude: 115° 11' 30" W
Township 21 S - Range 60 E - Section 36

to:

an asphalt lined evaporation pond
(zero discharge)

in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Part I, II and III hereof.

This permit shall become effective on: June 19, 2002.

This permit and the authorization to discharge shall expire at midnight, June 19, 2007.

Original Signature date: June 19, 2002
Modification date: **Month XX, 2005**

Robert J. Saunders
Staff Engineer
Bureau of Water Pollution Control

PART I

I.A. EFFLUENT LIMITATIONS, MONITORING REQUIREMENTS AND CONDITIONS

I.A.1. During the period beginning on the effective date of this permit and lasting until the permit expires the permittee is authorized to discharge the listed waste streams from Outfalls 001, 002, 003, and 004 as follows:

Outfall 001: boiler blowdown, water softener regeneration, reverse osmosis backwash

Outfall 002: onsite stormwater - sheetflow from adjacent plant areas

Outfall 003: boiler bottom blowdown

Outfall 004: cooling tower bleed off

to: an asphalt lined evaporation pond.

I.A.1. a. The discharge from Outfalls 001, 003, and 004 shall be limited and monitored by the permittee as specified in Table 1 below. The discharge from Outfall 002 is subject to the BMP requirements of Part I.A.II.b but is not subject to routine monitoring requirements.

Table 1: Discharge and Pond Sampling

Parameter	Discharge Limitations	Monitoring Requirements		
		Sample Location	Measurement Frequency	Sample Type
Flow ⁽¹⁾	10,000 gpd 30 day average	⁽¹⁾	continuous	meter
Total Dissolved Solids ⁽²⁾	monitor & report mg/l	⁽²⁾	June and December	discrete
pH ⁽²⁾	monitor & report standard units	⁽²⁾	June and December	discrete
Total Petroleum Hydrocarbons ⁽³⁾	monitor & report mg/l	evaporation pond	June and December	discrete
Priority Pollutant Metals ⁽⁴⁾	monitor & report mg/l	evaporation pond	June	discrete

(1) Combined total flow from boiler blowdown, water softener regeneration, reverse osmosis backwash, boiler bottom blowdown, and cooling tower bleed off. Record average daily flow in gallons per day (gpd) and report monthly average for each month in gpd. The discharges from outfalls 003 and 004 are estimated rather than measured. The basis for the estimate shall be included in each report.

(2) Samples shall be collected from the boiler blow down, water softener regeneration, reverse osmosis backwash, boiler bottom blowdown, and cooling tower bleed off. Sample results shall be reported separately for each waste stream.

(3) TPH shall be analyzed using USEPA Method 8015 (modified for extraction, and purge

and trap).

- (4) Priority Pollutant metals are antimony, arsenic, beryllium, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, thallium, and zinc.

I.A.1.

b. **MONITORING WELL MW-1**

Monitoring well MW-1 is located on the edge of the evaporation pond and is completed to the naturally occurring caliche layer located below the pond, about 20 ft below ground surface. If a leak develops in the pond, water should collect on the caliche layer and be visible through the monitoring well. MW-1 shall be inspected, sampled and analyzed as specified in Table 2 below.

Table 2: Monitoring Well MW-1: Inspection & Sampling

Parameter	Limitation	Frequency	Sample Type
Presence of Water	-	weekly ⁽¹⁾	visual
Depth to Water	monitor & report	when water is present ⁽³⁾	field measurement
TPH ⁽²⁾ , mg/l	monitor & report	when water is present ⁽³⁾	discrete
TDS, mg/l	monitor & report	when water is present ⁽³⁾	discrete
Priority Pollutant Metals ⁽⁴⁾ , mg/l	monitor & report	when water is present ⁽³⁾	discrete

(1) Inspection logs shall be maintained onsite and copies shall be submitted with the DMRs.

(2) TPH shall be analyzed using USEPA method 8015 (modified for extraction, and purge and trap).

(3) If water is found in MW-1 and sampling shows the presence of TPH or any metals, additional sampling shall be done to confirm the presence and concentrations of TPH, TDS, and metals. If pond constituents are detected the liner shall be inspected immediately for leaks (i.e. - damage or deterioration).

(4) The Priority Pollutant Metals are: antimony, arsenic, beryllium, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, thallium, zinc.

I.A.1.

c. **EVAPORATION POND**

The evaporation pond is approximately 190 ft by 90 ft by 10 ft deep and is lined with asphalt.

- i. There shall be no discharge from the evaporation pond to ground or surface waters of the State.
- ii. A minimum of two feet of freeboard shall be maintained in the pond.
- iii. The pond shall be cleaned as needed to remove any accumulated solids. See Part I.A.4 for disposal requirements.
- iv. The pond and liner shall be inspected monthly. A log of

these inspections with notes on the condition of the liner, appearance and odor (if any) of retained water, maintenance activities undertaken, and volumes and disposal sites for any solids removed, shall be maintained onsite and copies shall be submitted with the DMRs.

- v. The liner shall be maintained free of leaks and defects. Any leak must be repaired immediately to restore the liner to the same standard of performance and specification as approved by the Division .
- vi. Labeled and dated photos of the evaporation pond representative of typical full and empty conditions shall be taken annually and submitted with the DMRs due January 28.

I.A.1

d. **DRAINING POND FOR MAINTENANCE**

If the pond needs to be emptied for maintenance purposes, the water may be applied to unpaved portions of the site for dust control as follows.

- i. The water shall be removed from the pond in a manner so as to minimize the resuspension of any solids that may have accumulated on the pond bottom.
- ii. Direct contact with the water shall be avoided, and the water shall be applied in a manner to minimize standing water and prevent runoff.
- iii. For each instance of the use of evaporation pond water for dust control as described above, a report of the date and volume applied shall be submitted with the DMR for that reporting period.
- iv. If the last routine pond sampling event indicated the presence of any metals the pond shall be resampled and the results submitted to the Division for approval prior to using the water for dust control.

I.A.2. There shall be no objectionable odors from the collection system, treatment facility or disposal area.

I.A.3. There shall be no discharge of substances that would cause an exceedance of drinking water standards in the groundwater.

I.A.4. All solid waste removed from the pond shall be disposed or reused in a manner approved by the Division and the County

I.A.5. There shall be no discharge from the collection, treatment and disposal facilities except as authorized by this permit.

I.A.6. The collection, treatment and disposal facilities shall be constructed in conformance with plans approved by the Division. The plans must be approved by the Division prior to the start of construction. All changes to the approved plans must be approved by the Division.

I.A.7. The facility shall be operated in accordance with the Operations and

Maintenance Manual which must be approved by the Division.

- I.A.8. There shall be no discharge of floating solids or visible foam in other than trace amounts.
- I.A.9. The permittee shall remit an annual review and services fee in accordance with NAC 445A.232 starting **July 1, 2002** and every year thereafter until the permit is terminated.
- I.A.10. The written designation of authorized representative (Part III.A.2.b) must be submitted with or prior to any DMRs signed by that person, if the permittee wants that person to sign the DMRs. If the representative changes, a new written designation must be submitted.
- I.A.11. **Schedule of Compliance**
The Permittee shall implement and comply with the provisions of the schedule of compliance; including in said implementation and compliance any additions or modifications which the Administrator may make.
a. The permittee shall achieve compliance with the effluent limitations upon issuance of the permit.

I.B. MONITORING AND REPORTING

- I.B.1. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. Analyses shall be performed by a State of Nevada certified laboratory. Results from this lab must accompany the Discharge Monitoring Report.

- I.B.2. **Discharge Monitoring Reports**
Monitoring results obtained during the previous six (6) months shall be summarized for each month and reported on a Discharge Monitoring Report (DMR) form received in this office no later than the 28th day of the month following the completed reporting period. The reporting periods shall be January through June, and July through December, with the associated DMRs due on July 28 and January 28, respectively. The first report is due on July 28, 2002.

The January reports shall contain a plot of flow rate (y-axis) vs date (x-axis). The plot shall include data from the preceding five years, if available. Any data point from the current year that is greater than the limits in Part I.A.1 must be explained by a narrative.

The monitoring well inspection logs (Part I.A.1.b), pond inspection logs (Part I.A.1.c.iv) , and any dust control reports (Part I.A.1.d.iii) for the reporting period shall be submitted with the DMRs.

An original signed copy of these, and all other reports required herein,

shall be submitted to the State at the following address:

Diana Silsby, Compliance Coordinator
Bureau of Water Pollution Control
Nevada Division of Environmental Protection
333 West Nye Lane
Carson City, Nevada 89706-0851

I.B.3

Definitions

- a. The "30-day average discharge" means the total discharge during a month divided by the number of samples in the period that the facility was discharging. Where less than daily sampling is required by this permit, the 30-day average discharge shall be determined by the summation of all the measured discharges divided by the number of samples during the period when the measurements were made.
- b. A "discrete" sample means any individual sample collected in less than 15 minutes.

I.B.4.

Test Procedures

- a. Test procedures for the analysis of pollutants shall conform to regulations (40 CFR, Part 136) published pursuant to Section 304(h) of the Clean Water Act, under which such procedures may be required unless other procedures are approved by the Division.
- b. All laboratory analyses conducted in accordance with this discharge permit must have detection at or below the permit limits.

I.B.5.

Recording the Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. the exact place, date, and time of sampling
- b. the dates the analyses were performed
- c. the person(s) who performed the analyses
- d. the analytical techniques or methods used, and
- e. the results of all required analyses.

I.B.6.

Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report Form. Such increased frequency shall also be indicated.

I.B.7.

Records Retention

All records and information resulting from the monitoring activities required

by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation, shall be retained for a minimum of three (3) years, or longer if required by the Administrator.

I.B.8. Modification of Monitoring Frequency and Sample Type

After considering monitoring data, stream flow, discharge flow and receiving water conditions, the Division, may for just cause, modify the monitoring frequency and/or sample type by issuing an order to the permittee.

PART II

II.A. MANAGEMENT REQUIREMENTS

II.A.1. Change in Discharge

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit. Any anticipated facility expansions, or treatment modifications which will result in new, different, or increased discharges of pollutants must be reported by submission of a new application or, if such changes will not violate the effluent limitations specified in this permit, by notice to the permit issuing authority of such changes. Any changes to the permitted treatment facility must comply with Nevada Administrative Code NAC 445A.283 to 445A.285. Pursuant to NAC 445A.263, the permit may be modified to specify and limit any pollutants not previously limited.

II.A.2. Facilities Operation

The permittee shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities, collection systems or pump stations installed or used by the permittee to achieve compliance with the terms and conditions of this permit.

II.A.3. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to receiving waters resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

II.A.4. Noncompliance, Unauthorized Discharge, Bypassing and Upset

- a. Any diversion, bypass, spill, overflow or discharge of treated or untreated wastewater from wastewater treatment or conveyance

facilities under the control of the permittee is prohibited except as authorized by this permit. In the event the permittee has knowledge that a diversion, bypass, spill, overflow or discharge not authorized by this permit is probable, the permittee shall notify the Division immediately.

- b. The permittee shall notify the Division within twenty-four (24) hours of any diversion, bypass, spill, upset, overflow or release of treated or untreated discharge other than that which is authorized by the permit. A written report shall be submitted to the Administrator within five (5) days of diversion, bypass, spill, overflow, upset or discharge, detailing the entire incident including:
 - i. time and date of discharge
 - ii. exact location and estimated amount of discharge
 - iii. flow path and any bodies of water which the discharge reached
 - iv. the specific cause of the discharge, and
 - v. the preventive and/or corrective actions taken.
- c. The following shall be included as information which must be reported within 24 hours: any unanticipated bypass which exceeds any effluent limitation in the permit; any upset which exceeds any effluent limitation in the permit; any violation of a limitation for any toxic pollutant or any pollutant identified as the method to control a toxic pollutant.
- d. The permittee shall report all instances of noncompliance not reported under Part II.A.4.b. at the time monitoring reports are submitted. The reports shall contain the information listed in Part II.A.4.b.
- e. An "upset" means an incident in which there is unintentional and temporary noncompliance with the permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- f. In selecting the appropriate enforcement option, the Division shall consider whether or not the noncompliance was the result of an upset.
- g. The burden of proof is on the permittee to establish that an upset occurred.

In order to establish that an upset occurred, the permittee must

provide, in addition to the information required under paragraph II.A.4.b above, properly signed contemporaneous logs or other documentary evidence that:

- i. The facility was at the time being properly operated as required in paragraph II.A.2. above, and
- ii. All reasonable steps were taken to minimize adverse impacts as required by paragraph II.A.3. above.

II.A.5. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of waste waters shall be disposed of in a manner such as to prevent any pollution from such materials from entering any navigable waters.

II.A.6. Safeguards to Electric Power Failure

In order to maintain compliance with the effluent limitations and prohibitions of this permit the permittee shall either:

- a. provide at the time of discharge an alternative power source sufficient to operate the wastewater control facilities, or
- b. halt or reduce all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.

II.B. RESPONSIBILITIES

II.B.1. Right of Entry

The permittee shall allow the Administrator and/or his authorized representatives, upon the presentation of credentials:

- a. to enter upon the permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit, and
- b. at reasonable times, to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit; and to perform any necessary sampling to determine compliance with this permit or to sample any discharge.

II.B.2. Transfer of Ownership or Control

In the event of any change in control or ownership of facilities from which the authorized discharge emanates, the permittee shall notify the succeeding owner or controller of the existence of this permit, by letter, a copy of which shall be forwarded to the Administrator. All transfer of permits shall be approved by the Division.

II.B.3. Availability of Reports

Except for data determined to be confidential under NRS 445A.665, all reports prepared in accordance with the terms of this permit shall be

available for public inspection at the office of the Division. Effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NRS 445A.710.

II.B.4. Furnishing False Information and Tampering with Monitoring Devices

Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained by the provisions of NRS 445A.300 to 445.730, inclusive, or by any permit, rule, regulation or order issued pursuant thereto, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained under the provisions of NRS 445A.300 to 445A.730, inclusive, or by any permit, rule, regulation or order issued pursuant thereto, is guilty of a gross misdemeanor and shall be punished by a fine of not more than \$10,000 or by imprisonment. This penalty is in addition to any other penalties, civil or criminal, provided pursuant to NRS 445A.300 to 445A.730, inclusive.

II.B.5. Penalty for Violation of Permit Conditions

Nevada Revised Statutes NRS 445A.675 provides that any person who violates a permit condition is subject to administrative and judicial sanctions as outlined in NRS 445A.690 through 445A.705.

II.B.6. Permit Modification, Suspension or Revocation

After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

- a. violation of any terms or conditions of this permit
- b. obtaining this permit by misrepresentation or failure to disclose fully all relevant facts, or
- c. a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

II.B.7. Toxic Pollutants

Notwithstanding Part II.B.6. above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under NAC 445A for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the permittee so notified.

II.B.8. Liability

Nothing in this permit shall be construed to preclude the institution of any

legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal, State or local laws, regulations, or ordinances.

II.B.9. Property Rights

The issuance of this permit does not convey any property rights, in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

II.B.10. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provisions of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

PART III

III.A. OTHER REQUIREMENTS

III.A.1. Reapplication

If the permittee desires to continue to discharge, he shall reapply not later than 180 days before this permit expires on the application forms then in use. The application shall be accompanied by the renewal application fee required by NAC 445A.232.

III.A.2. Signatures required on application and reporting forms.

- a. Application and reporting forms submitted to the department must be signed by one of the following:
 - i A principal executive officer of the corporation (of at least the level of vice president) or his authorized representative who is responsible for the overall operation of the facility from which the discharge described in the application or reporting form originates; or
 - ii A general partner of the partnership, or
 - iii The proprietor of the sole proprietorship, or
 - iv A principal executive officer, ranking elected official or other authorized employee of the municipal, state or other public facility.
- b. **Duly Authorized Representative**
All Discharge Monitoring Reports and any other information required by this permit or requested by the Administrator shall be signed by a person described in paragraph (a) of this section, or by

a duly authorized representative of that person. A person is a duly authorized representative only if:

- i. The authorization is made in writing by a person described in paragraph (a) of this section
- ii The authorization specifies either an individual or a position having responsibility for the overall operation of the construction project or for environmental matters for the company, and
- iii. The authorization is submitted to the Division.

c. Each application must contain a certification by the person signing the application that he is familiar with the information provided, that to the best of his knowledge and belief the information is complete and accurate and that he has the authority to sign and execute the application.

d **Changes to Authorization.** If an authorization under paragraph b. of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph b. of this section must be submitted to the Division prior to or together with any reports, information, or applications to be signed by an authorized representative.

III.A.3. **Holding Pond Conditions**

If any wastewater from the permittee's facility is placed in ponds, such ponds shall be located and constructed so as to:

- a. contain with no discharge the once-in-twenty-five year 24 hour storm at said location
- b. withstand with no discharge the once-in-one-hundred year flood of said location, and
- c. prevent escape of wastewater by leakage other than as authorized by this permit.

III.A.4. **Flow Rate Notification**

The permittee shall notify the Administrator, by letter, not later than ninety (90) days after the 30-day average daily influent flow rate first equals or exceeds 85% of the design treatment capacity of the permittee's facility given in Part I.A. above.

The letter shall include:

- a. The 30-day average daily influent flow rate
- b. The maximum 24-hour flow rate during the 30-day period reported above and the date the maximum flow occurred
- c. The permittee's estimate of when the 30-day average influent flow rate will equal or exceed the design treatment capacity of the

- permittee's facility;
- d. A status report on the treatment works which will outline but not be limited to past performance, remaining capacity of the limiting treatment and disposal units or sites, past operational problems and improvements instituted, modifications to the treatment works which are needed to attain the permitted flow rate due to changing site specific conditions or design criteria; and
- e. The permittee's schedule of compliance to provide additional treatment capacity before the 30-day average daily influent flow rate equals the present design treatment capacity of the permittee's facility.